

### **REMARKS**

Claims 1-13 and 15-24 are pending in the application. Claims 1-9, 19-21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,170,029 to Kelley et al ("Kelley"), in view of U.S. Patent No. 6,708,283 to Nelvin ("Nelvin"). Claims 15-18 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Kelley, Nelvin and U.S. Patent No. 6,453,429 to Sadana ("Sadana"). Claims 10-13 and 23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant thanks the Examiner for the recent telephone conversation with Applicant's attorney, Jason P. Fiorillo (Reg. No. 52,892) regarding the recent application. As discussed during that telephone call, the Nelvin reference is present in both 103(a) rejections. The Nelvin reference is assigned to Stratus Technologies, as is the present application. In addition, Nelvin reference shares an inventor, Mark Tetreault, with the present application.

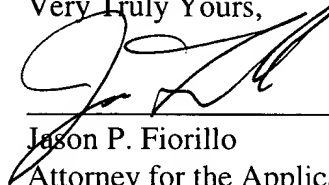
Regarding the 103(a) rejections, as set forth in the Office Action, "for applications filed on or after November 29, 1999, [each] rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Accordingly, the applicant submits the Declaration of Fred S. Prifty, Esq., attesting that, at the time the claimed invention was made, the subject matter of the claimed invention and of Nelvin were owned by or subject to an obligation of assignment to Stratus.

In light of the foregoing Declaration, Applicant respectfully submits that the claims are in condition for allowance. If in the Examiner's opinion, another telephonic interview would

expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any other outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Date: August 29, 2005  
Reg. No.: 52,892  
Tel. No. (617) 261-3186  
Fax No. (617) 261-3175

Very Truly Yours,



Jason P. Fiorillo  
Attorney for the Applicant  
Kirkpatrick & Lockhart Nicholson Graham  
75 State Street  
Boston, MA 02109

BOS-886137 v1



PATENT

Attorney Docket No. SRT-016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Tetreault et. al. CONFIRMATION NO. 9989  
SERIAL NUMBER: 09/871,180 ART UNIT: 2113  
FILING DATE: May 31, 2001 EXAMINER: Maskulinski, Michael  
TITLE: Methods and Apparatus for Computer Bus Error Termination

DECLARATION OF FRED S. PRIFTY, ESQ.

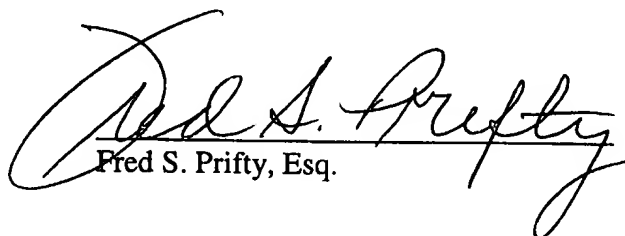
Dear Sir:

I, Fred S. Prifty, Esq., based on my personal knowledge, state and declare as follows.

1. I am currently the President of Stratus Technologies Bermuda, Ltd. (together with its predecessors "Stratus").
2. Stratus is currently the sole assignee and owner of U.S. Patent No. 6,708,283 to Nelvin et al. ("Nelvin").
3. Stratus is currently the sole assignee and owner of the above-referenced patent application.
4. The above-referenced application was filed after November 29, 1999.
5. The subject matter of Nelvin and the above-referenced patent application were, at the time the claimed invention was made, owned by or subject to an obligation of assignment to Stratus.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 8-25-2005

  
Fred S. Prifty, Esq.